

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ConnectNet			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 09/683,600	Filed 2002-01-24			
	First Named Inventor Scott C Harris				
	Art Unit 2618	Examiner Blaine Jackson			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32030</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"><u>/Scott C Harris/</u> <div style="text-align: right; margin-top: -15px;">Signature</div> <u>Scott C Harris</u> <div style="text-align: right; margin-top: -15px;">Typed or printed name</div> <u>858-756-7778</u> <div style="text-align: right; margin-top: -15px;">Telephone number</div> <u>8/6/2010</u> <div style="text-align: right; margin-top: -15px;">Date</div></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32030</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>/Scott C Harris/</u> <div style="text-align: right; margin-top: -15px;">Signature</div> <u>Scott C Harris</u> <div style="text-align: right; margin-top: -15px;">Typed or printed name</div> <u>858-756-7778</u> <div style="text-align: right; margin-top: -15px;">Telephone number</div> <u>8/6/2010</u> <div style="text-align: right; margin-top: -15px;">Date</div>
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<input type="checkbox"/> *Total of _____ forms are submitted.					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Claims 13-15, 17, 18, 27, and 28 stand rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The rejection states that the Disclosure does not support two claim elements comprising; "said first electronically operated device" and a "second device ... that is network connected to the first electronically operated device". This contention is respectfully traversed, since the specification clearly does show these claimed features.

Claim 13 defines a first electronically operated device "including a telephone function that controls receiving a telephone call" and also "creating a synthesized voice...". As such, claim 13 claims the first electronically operated device to "read on" the combination of the phone shown as 120 (in Figure 1), and also the computer 100. Claim 13 defines also a "second device", which reads on the "existing phone 130" (see paragraph 13 of the specification which describes a network connection via interface 135, to the existing phone 130).

According to claim 13, the first electronically operated device includes a telephone function and controls receiving a telephone call. Responsive to receiving a first control, the first device is described as "creating a synthesized voice that requests information". Paragraphs 10-18 of the original specification described how the electronically operated device includes a telephone handset that

operates in conjunction with the associated computer. Paragraph 12 of the original specification explains how the phone line (110) serves as the network connection.

The combination of handset and computer form a “system”, as described at the beginning of paragraph 31 of the specification. Paragraph 31 describes that "system" as being used to place a call. Paragraph 31 describes the different parts including the handset 121 (part of the phone 120), the network circuit 122 creating a network operation over phone line 110, and the computer. Again, paragraph 31 demonstrates that this combination – handset, network circuit, phone line, and computer together form "the system". This further demonstrates that the specification contemplated a system, now claimed as the first electronically operated device, as being a combination of the phone 120 and computer 100.

Taking this interpretation, applicant will show how this claim is fully supported.

The first electronically operated device senses the first control, (on the phone 120).

The computer 100, part of the "first electronically operated device" is described at paragraph 16 as carrying out the flowchart of Figure 2. Note that this flowchart detects the incoming call at 205. Paragraphs 23- 25 of the specification describes how responsive to detecting a caller ID, the automated attendant will

automatically answer “using voice synthesis technology”. This reads on the claimed “responsive to sensing the first control”. Note also that there is a "voice command" button 129, see paragraph 31, that can initiate the call.

Nothing in the specification indicates that these two functions (phone and computer) must be claimed as separate devices. In fact, the specification contemplates that the telephone 120 is network connected directly to the computer 100, while the existing phone 130 can only connect via an interface and that the combination is a "system". The first electronically operated device (phone +computer) hence includes a connection to a network that includes at least a second device. See figure 1 that shows a network, and includes another phone such as 130 which reads on the claimed “second device”.

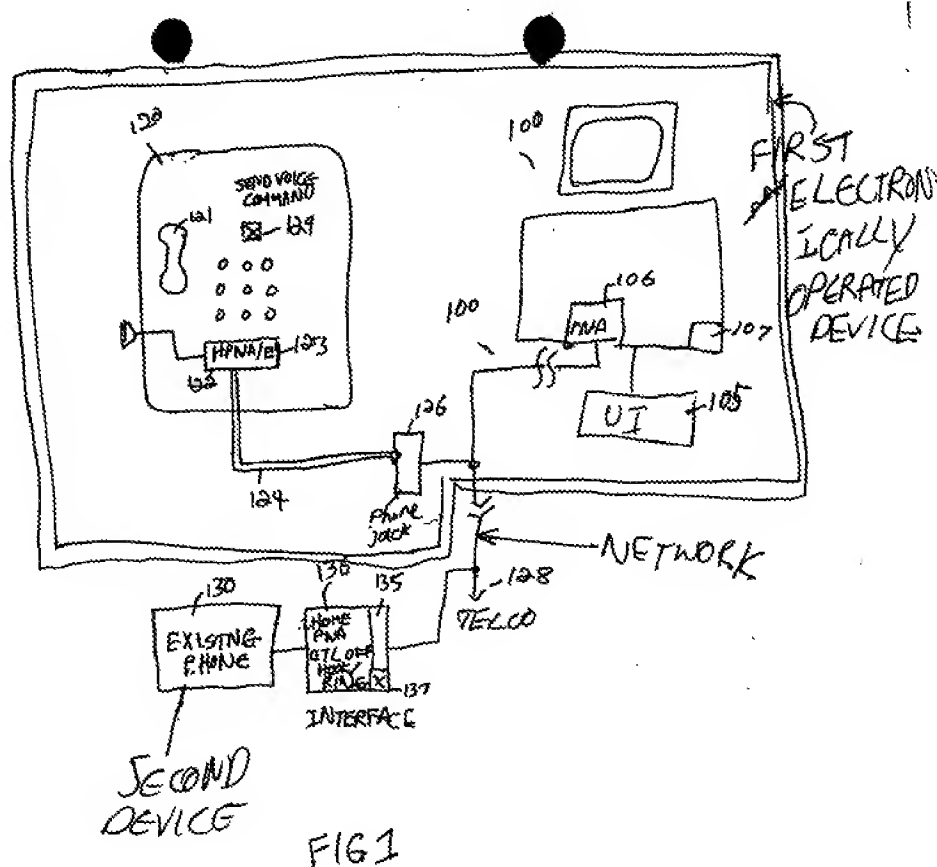
The first electronically operated device (the combination of phone and computer) obtains recognized voice information. See paragraph 33 and 34, which explains how the computer looks for a match between the name and the stored information. By determining this match, this system is obtaining recognized voice information as claimed.

The disclosure describes that the computer (part of the “first electronically operated device”) stores plural different contact information (see the personal contact list in paragraph 34) compares that against the contact information (see

paragraph 34), and controls placing the call based on that contact information.

(See paragraphs 34 and 35).

An annotated version of Figure 1, showing these various parts, follows to demonstrate that claim 13 is wholly supported by originally filed Figure 1. The part within the double boxed lines which are added below, are the "system" described in paragraph 31, that is used to place a call, the first electronically operated device as claimed.



Note – this figure is not attempting to supplement the original specification or otherwise add new matter, nor is applicant intending for this figure to be included in the specification. This is just intending to show the delineations encompassing the “first electronically operated device”, network, and second device, as supported by the originally filed application.

The patent office apparently takes the position that the phone part and computer must inherently be claimed separately. With respect, however, it is clear from the language of the claim that the first electronically operated device does two things: it controls receiving a telephone call and controls determining information about synthesized voice and recognizing voice information. The annotation shown above clearly shows that all of this is disclosed -- applicant is grouping these elements and claiming them together. This grouping was even contemplated by the original specification, which describes that the "system" can be used to place a call, where the system must inherently include both the telephone and the computer. Nothing in the claim excludes the phone or computer from the first electronically operated device.

Therefore, this claim is clearly supported by the specification.